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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,584	05/02/2001	Sunil Mathur	30-GF-1102	6774

23465 7590 07/05/2005

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EXAMINER

VO, TED T

ART UNIT	PAPER NUMBER
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2192

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

47

Office Action Summary

Application No.

09/681,584

Applicant(s)

MATHUR ET AL

Examiner

Ted T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/30/05.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 31-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29, 31-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This action is in response to the Amendment filed on 03/30/2005 responsive to Office action mailed on 12/30/04.

Claims 1-6, 31-33, 21-29, 38-39 remain rejected under 35 U.S.C. 112, first and second paragraph.

Claims 1-29, 31-39 stand finally rejected under 35 U.S.C. 102(b) as being anticipated by Salas et al., US 5,862,391.

Claims 1-29, 31-39 remain pending in the application.

Response to Arguments

2. Applicants' arguments in their Remarks filed on 03/30/05 to Claims 1-29, 31-39 have been fully considered.

(i) Applicants traverse the rejection Claims 1-6, 31-33, 21-29, 38-39 being rejected under 35 U.S.C. 112, first paragraph (Remarks, started at page 2, line 8 to page 3, line 25).

- Particularly, in page 2, fifth paragraph, Applicants, stated,

The Office Action states on page 3, "Accordingly, Salas et al. do not describe or suggest restarting, by a programmable device...Nowhere in the specification it discloses the feature as claimed, or that could be read as such in the limitation as Applicant's argued. The specification mentions only a Power Builder that facilitates additions and is configured for creating points associated with selected devices..." Applicant respectfully traverses the statement on page 3 (Emphasis added).

Examiner respectfully responds: The phrase "**Accordingly, Salas et al. do not describe or suggest restarting, by a programmable device...**" is Applicants' own phrase. This phrase is depicted in Applicants' previous Remarks section and included in the prior Office action as part of Examiner's rationales. The Applicants' statement above includes their own statement could cause misleading.

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- Applicants traverse the rejection under of Claims under 35 U.S.C. 112, first paragraph by referring to paragraph 30 and paragraph 44 in the specification (Remarks: started at page 2, lines 23 to page 3, line 14).

Examiner respectfully responds. In these paragraphs, there is no where to describe "*restarting, by a programmable device, the project after at least one of adding, deleting, and changing said devices*". In the paragraph 30, it generically describes a user performing selections, and finally given with the statement, "**Template wizard screens for the selected devices are also generated. A configuration update is performed and the project is restarted**".

In the paragraph 44, it wrote,

"[0044] PMCS Power Builder 322 interfaces to a main menu screen to read a small faceplate for each configured PMCS device from a small faceplate file defined in PmcsConfig initialization file 324 and adds it to main menu file 332. PMCS Power Builder 322 then configures the small face plate in advanced mode by configuring the variables on a small face plate object by using an object model".

There is no where this passage disclosing "*restarting, by a programmable device*"

Applicants have not shown any "**programmable device**" that performs "restating". The mention of "restarting" in paragraph 30 instead repeats a prior art concept, admitted by applicants in Figure 2 (features 140, 142), i.e. after all new devices or new features of devices are updated, a project or an application requires to be initialized so that the new devices or new features are recognized by the computer operating system.

(ii) Applicants traverse the rejection of Claims 1-6, 31-33, 21-29, 38-39 under 35 U.S.C. 112, second paragraph (Remarks, started at page 2, line 8 to page 3, line 25). However, Applicants' arguments to the rejection of Claims 1-6, 31-33, 21-29, 38-39 are based on restarting, by a programmable device. The arguments fail to be persuasive because the specification does not show this teaching.

(iii) Applicants traverse the rejection of Claims 1-29 and 31-39 under 35 U.S.C. 102(b) as being anticipated by Salas et al., (US No. 5,862,391).

Regarding Claims 1-6, 31-33 (Remarks: started at page.5, line 10, to page 7, line 8)

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- In the four paragraph (remarks: p.5), Applicants traverse the rejection of Claims 1-6, 31-33 and rewrite the same passage listed and addressed in the discussion of 112 first paragraph above (It should be noted that the phrase **"Accordingly, Salas et al. do not describe or suggest restarting, by a programmable device..."** is Applicants' own phrase) by alleging that the specification include figures "restarting, by a programmable device".

Examiner respectfully responds: The Applicants' cited passages in the specification do not teach "restarting, **by a programmable device**" (a passage is listed in addressing to issue of 112 first paragraph above).

-Through the Arguments in the remarks (page 6:23-32 and page 7:1-4), Applicants repeated their argument that Salas et al do not teach a method for adding device. Particularly, this argument is based on "restarting, by a programmable device". Applicants allege that Salas describes selecting a run button after configuration... etc., and does not teach or suggest "restarting, by a programmable device" (Remarks: See the paragraph, last in p.6 and top in p.7).

Examiner has addressed this argument in prior Office action (See Action mailed date: 12/20/2004: Office Action: Page 3). Furthermore, it should be noted that the specification does not teach, "restarting, by a programmable device".

Regarding Claims 7-16, 34-35 (Remarks: started at page.7, line 9, to page 8, line 9)

-Applicants argue that Salas et al. do not teach or suggest a Power Builder configured to restart a project to which the at least one of adding, deleting and changing the selected device (Remarks: page 7:line 22 to page 8, line 5).

Examiner respectfully responds: Refer to claimed feature, *"restart a project to which the at least one intelligent end device is adding after at least one of adding, deleting and changing said at least one intelligent end device"*. Applicants argues the feature in which they admitted done in prior arts (See Spec Drawings: Prior art FIG. 2: 140,142). Applicants fail to address the novelty of their Claims (7-16 and 34-35), but argue the prior art admitted feature. Such an argument is a contradiction because Salas is such a prior art.

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Refer to the reference; Salas also discloses many features that include restart of a project in the manner of the Claims. For example, in Col. 12, lines 1-9, it states, "The Key feature is the initialization file which allows new devices to be added...". In Col. 23-24 it shows an DDE Server Window Application – Server Screen. Devices are configured and many adding/deleting devices using screen menu. In Col. 25, lines 1-50, it shows start up, read configuration, do initialization, etc.

Regarding Claims 17-20, 36-37 (Remarks: started at page.8, line 10, to page 9, line 2).

Applicants' arguments to these Claims in the same manner to the arguments of Claims 7-16 and 34-35. Examiner respectfully contends that Salas discloses these Claims as addressed in Claims 7-16 and 34-35 above.

Regarding Claims 21-29, 38-39 (Remarks: started at page.9, line 3, to page 10, line 2)

Applicants' arguments to these Claims in the same manner to the arguments of Claims 7-16 and 34-35. Examiner respectfully contends that Salas discloses these Claims as addressed in Claims 7-16 and 34-35 above.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-6, 31-33, 21-29, 38-39 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per Claims 1-6, 31-33:

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Claims 1-6 and 31-33, led by Claim 1, recite limitation "*restarting, by a programmable device, the project after at least one of adding, deleting, and changing said devices*", particularly, "*restarting, by a programmable device*", which is identified as a feature not being disclosed in the specification.

As per Claims 21-29, 38-39:

Claims 21-29 and 38-39, led by Claim 21, recite limitation "*restarting, by a programmable device, a project to which the devices are added after at least one of adding, deleting, and changing the devices*", particularly, "*restarting, by a programmable device*", which is identified as a feature not being disclosed in the specification.

- Examiner would request Applicants to point out where the feature(s) in the specification, as regarding by Applicants for having the possession of the claimed invention.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-6, 31-33, 21-29, 38-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claims 1-6, 31-33:

Claims 1-6 and 31-33, led by Claim 1, recite limitation "*restarting, by a programmable device, the project after at least one of adding, deleting, and changing said devices*", this limitation could not be identified in the specification. The limitation is indefinite because the feature of Claimed limitation is ambiguous. The feature of this limitation is interpreted as being in an admitted prior in accordance to FIG. 2 – PRIOR ART.

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As per Claims 21-29, 38-39: Regarding limitation: *"restarting, by a programmable device, a project to which the devices are added after at least one of adding, deleting, and changing the devices"*, particularly, *"restarting, by a programmable device"*, is indefinite. Same rationale as addressed in Claims 1-6, 31-33 above.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-29, 31-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Salas et al., US 5,862,391.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1:

Salas discloses a power management system comprising: *"A method for adding devices to a power management control system, said the method comprising the steps of:*

prompting a user to create a project (See column 13, lines 5-7, "generate a power distribution device interface without programming skills");

prompting the user to add devices to the project (See FIG. 40, popup window 'Device Configuration' with 'Add' button, see column 23, line 18, "new device");

executing a file to automatically configure the devices (See column 23, lines 26-28, 'button CONFIGURATION' on the server windows application, or see column 24, lines 16-29, "run");

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generating screens for the devices added to the project (see column 24, lines 30-42, "VIEW" button);

automatically updating a configuration of at least one of the devices and the screens;

(Salas discloses the such limitation in updating such a device configuration using screen tab devices such "add" and "modify" (See FIG 40), and using pull down menu (See FIG. 41) that shows the device type. Salas further discloses a wizard ('PowerWizard') that assists adding a power device and also has ability of automatic update/correct device's configurations from user input's errors (See column 13, lines 1-23; Column 21, lines 49-65)); and

restarting, by a programmable device, the project after at least one of adding, deleting, and changing said devices" (See in column 24, started at line 16, "After configuration is set at defined above, the SERVER button is selected on the SERVER WINDOWS APPLICATION_SERVER screen generating a menu from which RUN is selected as shown in FIG.56, bringing the server on-line..."; in column 25, started at line 21, "When the server is not running,..., the user can configure the system...", started at line 24, "when the server is running...", started at line 31, "the DDE server starts up, reads configuration data from disk and initialized all other objects...").

As per Claim 2: Salas discloses claim limitation in the button "file" in a window, a file selection, appeared on left top of the window (see FIG. 7).

As per Claim 3: Salas discloses claim limitation in the "file" button in a window on left top of the popup window (see FIG. 7). When a file exists in a file registry, there will be a means of availability, and a means of option; a mouse click set upon a file in the registry will provide a selection.

As per Claim 4: Salas discloses a popup screen that includes the device descriptions (See FIG. 52).

As per Claim 5: Salas discloses a popup screen that allows a user to enter an added device (See FIG. 41).

As per Claim 6: Salas discloses the limitation of Claim 6 (see column 13, lines 29-41; column 13, lines 5-41, PowerWizard, that provides ranges of devices).

As per Claim 31: Salas's discloses the limitation of Claim 31 (See FIG. 42, "com port:").

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As per Claim 32: Salas discloses the limitation of Claim 32 (See FIG. 40, "add", that prompts FIG. 41 for adding a device, including 'com port', 'Device Type' etc, and it also prompts FIG. For source and information of the device type. FIG. 42, with pull down tabs allow determining that a selected device type is existed or not).

As per Claim 33: Salas discloses the limitation of Claim 33 (See column 13, lines 29-41); Salas includes PowerWizard (see column 13, lines 5-41) that provides ranges of devices.

As per Claim 7: Salas discloses, "a power management system comprising:

A control computer (see FIG. 1, computer 122); at least one intelligent device (see FIG. 1, devices connected to Modbus Concentrator 138) interfaced to said control computer for controlling and monitoring power; and

A software package comprising a user interface (see FIG. 4, 164a), and applications layer (see FIG. 68, feature numeral 610), an operating system (see column 2, Microsoft Window environment lines 37-38); and a Power Builder (See FIG. 4, Applications Module 156) for facilitating automated addition and configuration of user selected intelligent end devices to said power management control system (See column 2, lines 33-36, 'software for monitoring and controlling', or FIG. 4, feature numeral 156), said Power Builder configured to build external applications onto a power management control project framework (see FIG.s 40-41), automatically create points (See column 13, lines 29-41) associated with said selected intelligent end devices (see FIG. 2), generate main menu screens for said selected intelligent end devices (see FIG. 41), and restarting a project to which said at least one intelligent end device is added after at least one of adding, deleting and changing said at least one intelligent end device (See in column 24, started at line 16, "After configuration is set at defined above, the SERVER button is selected on the SERVER WINDOWS APPLICATION_SERVER screen generating a menu from which RUN is selected as shown in FIG.56, bringing the server on-line..."; in column 25, started at line 21, "When the server is not running,..., the user can configure the system...", started at line 24, "when the server is running...", started at line 31, "the DDE server starts up, reads configuration data from disk and initialized all other objects..."),

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wherein said software package is configured to automatically update a configuration of at least one of said selected intelligent end devices, said points, and said screens" (Salas discloses the such limitation in updating such a device configuration using screen tab devices such "add" and "modify" (See FIG 40), and using pull down menu (See FIG. 41) that shows the device type. Salas further discloses a wizard ("PowerWizard") that assists adding a power device and also has ability of automatic update/correct device's configurations from user input's errors (See column 13, lines 1-23; Column 21, lines 49-65)).

As per Claim 8: Salas discloses claim limitation of Claim 8 in "file" tab in a window (See FIG. 7). When a file exists in a file registry, there will be a means of availability, and means of option. A mouse click set upon a file in the registry will provide a selection.

As per Claim 9: Salas shows the applications module comprises add device configuration (FIG. 41) that can add a device to the power management control system.

As per Claim 10: Salas shows the add device configuration (FIG. 41) comprising descriptions of an added device; the descriptions indicate device type, device name, etc.

As per Claim 11: The software for monitoring and controlling selected aspects of the power management control system includes DDE (See column 11, lines 19-25); where the DDE provides data configured to a field device (See column 24, lines 52-67).

As per Claim 12: The software for monitoring and controlling selected aspects of the power management control system includes a list configured devices (see FIG. 40), a wizard (FIG. 10), data file with points (see column 13, lines 29-41); even logger (FIG. 4,160).

As per Claim 13: Salas includes .INI file (See column 20, line 16), where INI extension is known as a file used in initialization.

As per Claim 14: FIG.s 60-64 have means of facilitating a view of a selected device.

As per Claim 15: FIG. 13 is a wizard selection dialog box which includes wizard templates in the left side.

As per Claim 16: Salas discloses the limitation (See column 7, 19-27).

As per Claim 34: Salas discloses the limitation of Claim 34 (See FIG 40, Application name, device name in the box, FIG. 42, "com port:").

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As per Claim 35: Salas discloses the limitation of Claim 35 (See FIG. 40, "add", that prompts FIG. 41 for adding a device, including 'com port', 'Device Type' etc, and it also prompts FIG. For source and information of the device type. FIG. 42, with pull down tabs allow determining that a selected device type is existed or not).

As per Claim 17: The claim has the claimed functionality corresponding to Claim 1. Claim 17 is rejected in the same reason set forth in connecting to Claim 1.

As per Claim 18: The claim has the claimed functionality corresponding to Claim 2. Claim 18 is rejected in the same reason set forth in connecting to Claim 2.

As per Claim 19: The claim has the claimed functionality corresponding to Claim 4. Claim 19 is rejected in the same reason set forth in connecting to Claim 4.

As per Claim 20: The claim has the claimed functionality corresponding to Claim 5. Claim 20 is rejected in the same reason set forth in connecting to Claim 5.

As per Claim 36: The claim has the claimed functionality corresponding to Claim 31. Claim 36 is rejected in the same reason set forth in connecting to Claim 31.

As per Claim 37: The claim has the claimed functionality corresponding to Claim 32. Claim 37 is rejected in the same reason set forth in connecting to Claim 32.

As per Claim 21: The claim has the claimed functionality corresponding to Claim 7. Claim 21 is rejected in the same reason set forth in connecting to Claim 7.

As per Claim 22: The claim has the claimed functionality corresponding to Claim 8. Claim 22 is rejected in the same reason set forth in connecting to Claim 8.

As per Claim 23: The claim has the claimed functionality corresponding to Claim 9. Claim 23 is rejected in the same reason set forth in connecting to Claim 9.

As per Claim 24: The claim has the claimed functionality corresponding to Claim 10. Claim 24 is rejected in the same reason set forth in connecting to Claim 10.

As per Claim 25: The claim has the claimed functionality corresponding to Claim 11. Claim 25 is rejected in the same reason set forth in connecting to Claim 11.

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As per Claim 26: The claim has the claimed functionality corresponding to Claim 12. Claim 26 is rejected in the same reason set forth in connecting to Claim 12.

As per Claim 27: The claim has the claimed functionality corresponding to Claim 13. Claim 27 is rejected in the same reason set forth in connecting to Claim 13.

As per Claim 28: The claim has the claimed functionality corresponding to Claim 14. Claim 28 is rejected in the same reason set forth in connecting to Claim 14.

As per Claim 29: The claim has the claimed functionality corresponding to Claim 15. Claim 29 is rejected in the same reason set forth in connecting to Claim 15.

As per Claim 38: The claim has the claimed functionality corresponding to Claim 34. Claim 38 is rejected in the same reason set forth in connecting to Claim 34.

As per Claim 39: The claim has the claimed functionality corresponding to Claim 35. Claim 39 is rejected in the same reason set forth in connecting to Claim 35.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



primary Examiner

TT. Vo
Art Unit 2192
June 23, 2005